IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Casper Kruger Troelsen

Serial No.: 10/007,823

Filed: November 13, 2001

For: A Hearing Aid With Error Protected
Data Storage

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Confirmation No.: 7261

Group Art Unit: 2643

Examiner: Ni, Suhan

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This letter is responsive to the Office Action, dated August 25, 2004. No amendments have

been made to the application.

Claim Rejections

Claims 1-22 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No.

5,838,806 ("Sigwanz"). Applicant traverses this rejection, since Sigwanz does not disclose each and

every element requires by these claims.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the
United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope
addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/7/04

Date of Deposit

Jocelyn L. Lee

In particular, Sigwanz discloses a hearing aid that stores a number of predetermined input values VE_{1-5} and corresponding output values VA_{1-5} in memory 5 to reduce processing. By applying a comparison condition to a received input value E, a corresponding output value O may be found in the memory without having to perform the processing required for calculation of the output value (given as a function of the input value). However, Sigwantz does not make any attempt at determining or indicating whether the data sets stored within the memory 5 are valid or not.

Notwithstanding the clear differences between the claimed invention and Sigwantz, the Examiner, in rejecting independent claim 16, stated that the Sigwantz hearing aid device somehow selectively indicated the first and second data sets VE1 and VE2 as being valid data sets by setting a data variable value (apparently, VA1-2) in the memory 5. However, Applicant fails to appreciate how merely associating output values VA_{1-5} with respective input values VE_{1-5} can be characterized as a selective indication of the input values VA_{1-5} as valid data sets. Applicant also fails to appreciate how the output values VA_{1-5} can be considered data variable values, since there is no disclosure in Sigwantz that they are varied.

Applicant also noted that the Examiner only substantively examined claims 16-18, stating that method steps of claims 1-15 and 19-22 were inherent in the structure of claims 16-18. However, there are numerous method steps recited in claims 1-15 and 19-22 that are clearly not inherent in claims 16-18. Applicant submits that merely stating that the steps of these claims are inherent in the structure discussed by the Examiner, when in fact, they are clearly not, does not fulfill the Examiner's obligations of setting forth of prima facie case of claim anticipation. As such, Applicant requests substantive examination of these claims, along with claims 16-18, so that Applicant can properly respond to the Examiner's rejections of the claims, if any.

Thus, Applicant submits that claims 1-22 are not anticipated by Sigwantz, and as such, requests withdrawal of the rejections of these claims.

Information Disclosure Statement

In response to the Examiner's request, a copy of German Patent DE19734723C1 is provided herewith. A brief description of this document can be found on page 2, lines 24-35 of the specification.

Conclusion

Based on the foregoing, it is believed that all claims are allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

Bingham McCutchen LLP

Dated: December 6, 2004   By: _____
                                               Michael J. Bolan
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